IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.W.P. No. 3232 of 2007

Date of Decision : 02.03.2007

Smt. Lalita Sharma ... Petitioner

Versus

The Branch Manager, L.I.T. of India and others .. Respondents

CORAM : HON'BLE MR. JUSTICE J.S. KHEHAR,
HON'BLE MR. JUSTICE S.D. ANAND.

Present : Mr. H.D. Bhardwaj, Advocate,
for the petitioner.

J.S. Khehar, J. (Oral)

Through the instant writ petition, the petitioner is seeking to impugn the order passed by the Insurance Ombudsman dated 21.09.2004. By the aforesaid order, the Insurance Ombudsman has agreed with the Life Insurance Corporation of India in denying the grant of compensation to the petitioner on account of death of her husband – Ashok Kumar on 27.02.2002. A perusal of the impugned order reveals, that the insured, namely, Ashok Kumar had declined to supply information which was to his knowledge and notice regarding his suffering from diabetes mellitus and hypertension prior to the date on which he insured himself. The aforesaid finding was recorded by the Insurance Ombudsman, on the basis of Hospital certificates/slips, where the insured – Ashok Kumar sought treatment in this behalf. It would be pertinent to mention that the insured first got treated at Janta Charitable Hospital, Sonepat, and thereafter, at Sir Ganga Ram Hospital, Delhi. In certificates/slips prepared during the course of his treatment at the aforesaid hospitals, it was depicted, that the deceased –

Ashok Kumar, had been suffering from the diseases referred to above for a period of two years. On account of the alleged non-disclosure of his aforesaid ailments, at the time of taking out the insurance policy under reference, the petitioner who is wife of the insured, was denied compensation, after his death. We find no infirmity in the aforesaid order, even otherwise, the issue canvassed is a disputed question of fact, and cannot be entertained by this Court, under Article 226 of the Constitution of India.

Dismissed.

(J.S. Khehar)
Judge

March 02, 2007 (S.D. Anand)
vkd Judge